

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

BLACKBOARD INC.,

Plaintiff,

v.

**DESIRE2LEARN INC. and
D2L LTD.,**

Defendant.

Civil No.: 9:09-CV-40-RC

JURY TRIAL DEMANDED

STIPULATED MOTION FOR DISMISSAL WITH PREJUDICE

The plaintiff, Blackboard Inc. and defendants Desire2Learn Inc. and D2L Ltd., pursuant to Fed. R. Civ. P. 41(a)(2) and (c), hereby move for an order dismissing all claims and counterclaims in this action **WITH PREJUDICE**, with each party to bear its own costs, expenses and attorneys fees.

Dated: December 16, 2009

Respectfully submitted,

/s/ Michael S. Nadel

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and D2L LTD.

CERTIFICATE OF SERVICE

The undersigned certifies that on this 16th day of December 2009, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3). Any other counsel of record will be served by a facsimile transmission and/or first class mail.

/s/ John M. Guaragna
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